



# Senate

General Assembly

**File No. 188**

January Session, 2009

Substitute Senate Bill No. 772

*Senate, March 25, 2009*

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE POSTING OF PUBLIC AGENCY MINUTES UNDER THE FREEDOM OF INFORMATION ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-225 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The meetings of all public agencies, except executive sessions, as  
4 defined in subdivision (6) of section 1-200, shall be open to the public.  
5 The votes of each member of any such public agency upon any issue  
6 before such public agency shall be reduced to writing and made  
7 available for public inspection within forty-eight hours and shall also  
8 be recorded in the minutes of the session at which taken. Within seven  
9 days of the session to which such minutes refer, such minutes shall be  
10 available for public inspection and, within fourteen days of such  
11 session, posted on such public agency's Internet web site, if available.  
12 Notwithstanding the provisions of this subsection, no public agency of  
13 any municipality shall be deemed to be in violation of this chapter for

14 the failure to post minutes of such agency's sessions on the Internet  
15 web site of such public agency within fourteen days of the session to  
16 which such minutes refer, (1) for the period beginning October 1, 2008,  
17 and ending December 31, 2009, if such public agency files a notice with  
18 the town clerk of the applicable municipality indicating the reason for  
19 such failure, and (2) for the period beginning January 1, 2010, and  
20 ending January 1, 2011, following a vote of the applicable legislative  
21 body of such municipality, if such public agency files a notice with the  
22 commission describing the hardship that prevents such public agency  
23 from complying with such requirement. For informational purposes  
24 only, a copy of any notice filed with a town clerk pursuant to this  
25 subsection shall be filed with the commission. Each [such] public  
26 agency shall make, keep and maintain a record of the proceedings of  
27 its meetings.

28 (b) Each such public agency of the state shall file not later than  
29 January thirty-first of each year in the office of the Secretary of the  
30 State the schedule of the regular meetings of such public agency for the  
31 ensuing year and shall post such schedule on such public agency's  
32 Internet web site, if available, except that such requirements shall not  
33 apply to the General Assembly, either house thereof or to any  
34 committee thereof. Any other provision of the Freedom of Information  
35 Act notwithstanding, the General Assembly at the commencement of  
36 each regular session in the odd-numbered years, shall adopt, as part of  
37 its joint rules, rules to provide notice to the public of its regular,  
38 special, emergency or interim committee meetings. The chairperson or  
39 secretary of any such public agency of any political subdivision of the  
40 state shall file, not later than January thirty-first of each year, with the  
41 clerk of such subdivision the schedule of regular meetings of such  
42 public agency for the ensuing year, and no such meeting of any such  
43 public agency shall be held sooner than thirty days after such schedule  
44 has been filed. The chief executive officer of any multitown district or  
45 agency shall file, not later than January thirty-first of each year, with  
46 the clerk of each municipal member of such district or agency, the  
47 schedule of regular meetings of such public agency for the ensuing  
48 year, and no such meeting of any such public agency shall be held

49 sooner than thirty days after such schedule has been filed.

50 (c) The agenda of the regular meetings of every public agency,  
51 except for the General Assembly, shall be available to the public and  
52 shall be filed, not less than twenty-four hours before the meetings to  
53 which they refer, (1) in such agency's regular office or place of  
54 business, and (2) in the office of the Secretary of the State for any such  
55 public agency of the state, in the office of the clerk of such subdivision  
56 for any public agency of a political subdivision of the state or in the  
57 office of the clerk of each municipal member of any multitown district  
58 or agency. For any such public agency of the state, such agenda shall  
59 be posted on the public agency's and the Secretary of the State's web  
60 sites. Upon the affirmative vote of two-thirds of the members of a  
61 public agency present and voting, any subsequent business not  
62 included in such filed agendas may be considered and acted upon at  
63 such meetings.

64 (d) Notice of each special meeting of every public agency, except for  
65 the General Assembly, either house thereof or any committee thereof,  
66 shall be posted not less than twenty-four hours before the meeting to  
67 which such notice refers on the public agency's Internet web site, if  
68 available, and given not less than twenty-four hours prior to the time  
69 of such meeting by filing a notice of the time and place thereof in the  
70 office of the Secretary of the State for any such public agency of the  
71 state, in the office of the clerk of such subdivision for any public  
72 agency of a political subdivision of the state and in the office of the  
73 clerk of each municipal member for any multitown district or agency.  
74 The secretary or clerk shall cause any notice received under this section  
75 to be posted in his office. Such notice shall be given not less than  
76 twenty-four hours prior to the time of the special meeting; provided, in  
77 case of emergency, except for the General Assembly, either house  
78 thereof or any committee thereof, any such special meeting may be  
79 held without complying with the foregoing requirement for the filing  
80 of notice but a copy of the minutes of every such emergency special  
81 meeting adequately setting forth the nature of the emergency and the  
82 proceedings occurring at such meeting shall be filed with the Secretary

83 of the State, the clerk of such political subdivision, or the clerk of each  
84 municipal member of such multitown district or agency, as the case  
85 may be, not later than seventy-two hours following the holding of such  
86 meeting. The notice shall specify the time and place of the special  
87 meeting and the business to be transacted. No other business shall be  
88 considered at such meetings by such public agency. In addition, such  
89 written notice shall be delivered to the usual place of abode of each  
90 member of the public agency so that the same is received prior to such  
91 special meeting. The requirement of delivery of such written notice  
92 may be dispensed with as to any member who at or prior to the time  
93 the meeting convenes files with the clerk or secretary of the public  
94 agency a written waiver of delivery of such notice. Such waiver may be  
95 given by telegram. The requirement of delivery of such written notice  
96 may also be dispensed with as to any member who is actually present  
97 at the meeting at the time it convenes. Nothing in this section shall be  
98 construed to prohibit any agency from adopting more stringent notice  
99 requirements.

100 (e) No member of the public shall be required, as a condition to  
101 attendance at a meeting of any such body, to register the member's  
102 name, or furnish other information, or complete a questionnaire or  
103 otherwise fulfill any condition precedent to the member's attendance.

104 (f) A public agency may hold an executive session, as defined in  
105 subdivision (6) of section 1-200, upon an affirmative vote of two-thirds  
106 of the members of such body present and voting, taken at a public  
107 meeting and stating the reasons for such executive session, as defined  
108 in section 1-200.

109 (g) In determining the time within which or by when a notice,  
110 agenda, record of votes or minutes of a special meeting or an  
111 emergency special meeting are required to be filed under this section,  
112 Saturdays, Sundays, legal holidays and any day on which the office of  
113 the agency, the Secretary of the State or the clerk of the applicable  
114 political subdivision or the clerk of each municipal member of any  
115 multitown district or agency, as the case may be, is closed, shall be

116 excluded.

This act shall take effect as follows and shall amend the following sections:
---

Section 1	<i>from passage</i>	1-225
-----------	---------------------	-------

**Statement of Legislative Commissioners:**

In subsection (a) of Section 1, within the new text, the phrase "of any municipality" was added for purposes of clarity and accuracy. In subsection (a) of Section 1, within the new text, "applicable town clerk" was changed to a "town clerk of the applicable municipality" for purposes of clarity and accuracy. The title was changed for purposes of specificity.

**GAE**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

---

***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill extends the deadline for posting meeting minutes on an agency's web site from 7 to 14 days after a meeting. This extension of time has no fiscal impact.

**OLR Bill Analysis****sSB 772*****AN ACT CONCERNING THE POSTING OF PUBLIC AGENCY  
MINUTES UNDER THE FREEDOM OF INFORMATION ACT.*****SUMMARY:**

This bill extends, from seven to 14 days after a meeting, the deadline by which all public agencies must post meeting minutes on their available web sites. Such minutes are required to be publicly disclosed under the Freedom of Information Act (FOIA) and still must be available for public inspection within seven days after a meeting, as under current law.

Under the bill, a municipal public agency that does not comply with this requirement does not violate FOIA if:

1. from October 1, 2008 until December 31, 2009, it files a notice with the applicable town clerk indicating the reason for its failure to post the minutes and
2. from January 1, 2010 to January 1, 2011, after a vote of its legislative body, it files a notice with the Freedom of Information Commission (FOIC) describing the hardship that prevents it from complying.

Any notice filed with a town clerk must also be filed with the FOIC for informational purposes.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea    13    Nay   2    (03/06/2009)